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-----X  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X  
 INDEMNITY INSURANCE COMPANY  
 OF NORTH AMERICA,

Plaintiff,

- against -

BURLINGTON NORTHERN AND SANTA FE  
 RAILWAY COMPANY; BNSF RAILWAY  
 CO.; MAERSK LINE; AP MOLLER-MAERSK  
 A/S MAERSK SEALAND;

Defendants.

:  
 :  
 : 07 Civ. 7858 (JCF)  
 :  
 : **STIPULATION & ORDER**  
 : **OF DISCONTINUANCE**

-----X  
 A settlement agreement having been reached, it is hereby stipulated and agreed that this action, including all cross-claims, is discontinued as to all parties pursuant to Rule 41 (a) (1)(ii) and (c) Federal Rules of Civil Procedure, with prejudice but with each party to pay its own costs and attorney fees.

It is further stipulated and agreed that, if the settlement funds are not paid within sixty (60) days of the entry of this order, this action will be restored to the active docket of the Court upon letter application of plaintiff's counsel.

Dated: New York, New York  
 August \_\_\_\_, 2008

SO ORDERED;

\_\_\_\_\_  
 UNITED STATES DISTRICT JUDGE

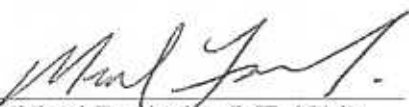
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